



Order Filed on November 21, 2022  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

20-10130 BKMFR05  
BROCK & SCOTT, PLLC  
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Attorneys for HSBC Bank USA, National Association  
as Trustee for Nomura Asset Acceptance Corporation,  
Mortgage Pass-Through Certificates, Series 2007-1

In Re:

GARY A WEBER

Case No: 17-24388-MBK

Hearing Date: November 9,  
2022

Judge: MICHAEL B.  
KAPLAN

Chapter: 13

Recommended Local Form

☐ Followed

☒ Modified

**ORDER RESOLVING MOTION TO VACATE STAY  
AND/OR MOTION TO DISMISS  
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is **ORDERED**.

**DATED: November 21, 2022**

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".  
\_\_\_\_\_  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Applicant:	<u>HSBC Bank USA, National Association as Trustee for Nomura Asset Acceptance Corporation, Mortgage Pass-Through Certificates, Series 2007-1</u>
Applicant's Counsel:	<u>Matthew Fissel, Esquire, Brock &amp; Scott, PLLC</u>
Debtor's Counsel:	<u>James J Cerbone, Esquire</u>
Property Involved ("Collateral"):	<u>430 Garfield Ave, Avon by the Sea, NJ 07717</u>

Relief sought:           ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor(s)' future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 3 months, from September 1, 2022 to November 1, 2022.
- ☒ The Debtor is overdue for 2 payments at \$6,944.64 per month, for 1 payments at \$6,750.52 per month.
- ☐ The Debtor(s) is assessed for \_\_\_\_\_ late charges at \$ \_\_\_\_\_ per month.
- ☐ Applicant acknowledges receipt of funds in the amount of \$ \_\_\_\_\_ received after the motion was filed.
- ☒ There is currently \$1,124.67 being held in Debtors' suspense account

**Total Arrearages Due: \$19,515.13**

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$19,515.13. Payment shall be made no later than November 30, 2022.

☒ Beginning on December 1, 2022, regular monthly mortgage payments in the amount of \$6,750.52 shall resume.

☐ Beginning on \_\_\_\_\_, additional monthly cure payments shall be made in the amount of \$ \_\_\_\_\_ for \_\_\_\_\_ months.

☐ The amount of \$ \_\_\_\_\_ shall be capitalized in the debtor(s)' Chapter 13 plan. Debtor(s) shall file a Modified Plan within 15 days of entry of this Order.

3. Payments to the Applicant shall be made to the following address(es):

☒ Immediate payment:

Wells Fargo Home Mortgage  
P.O. Box 14507  
Des Moines, IA 50306

☒ Regular monthly payment:

Wells Fargo Home Mortgage  
P.O. Box 14507  
Des Moines, IA 50306

☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment within thirty (30) days of the date it becomes due, then the Applicant may obtain an Order vacating, terminating, and/or annulling the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☒ If the bankruptcy case is dismissed or converted, this Agreement is void and the instant bankruptcy case will not act to impose the automatic stay against the Applicant's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorney fees of \$\_\_\_\_\_, and costs of \$\_\_\_\_\_.

The fees and costs are payable:

through the Chapter 13 plan.

to the Applicant within days.

☒ Attorneys' fees are not awarded.